

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICKEY CASTILLO,

Plaintiff,

v.

ALL JANE/JOHN DOES OF DEPUTIZED
POSTAL OFFICERS AT ALL FACILITIES
PLAINTIFF WAS INCARCERATED, et al.,

Defendants.

NO. 3:15-CV-00910

(JUDGE CAPUTO)

(MAGISTRATE JUDGE
MEHALCHICK)

ORDER

NOW, this 17th day of October, 2016, upon review of the Report and

Recommendation of Magistrate Judge Mehalchick (Doc. 6) for plain error or manifest
injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 6) is **ADOPTED**.
- (2) Plaintiff's Amended Complaint (Doc. 3) is **DISMISSED**.
 - (a) Plaintiff's federal claims for procedural due process and access-to-the-courts violations are **DISMISSED with prejudice**.
 - (b) Plaintiff's federal claims against the Jane and John Doe grievance officers at the Luzerne County Correctional Facility, Mrs. Lefler, the Jane and John Doe grievance officers at SCI-Retreat, and the Jane and John Doe grievance officers at SCI-Smithfield are **DISMISSED with prejudice**. The Clerk of Court is directed to **TERMINATE** these Defendants from this action.
 - (c) Plaintiff's remaining federal-law claims are **DISMISSED without prejudice**.
 - (d) Plaintiff's state-law claims are **DISMISSED without prejudice**.
- (3) Plaintiff will be given thirty (30) days leave to file a second amended complaint that reasserts his remaining claims in accordance with Rule 8(d)(1) of the Federal Rules of Civil Procedure; and

- (4) The matter is **RECOMMITTED** to Magistrate Judge Mehalchick for further proceedings.



A. Richard Caputo
United States District Judge